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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SARPONG, AKWASI	

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
08/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/552,997	HARADA ET AL.	
	Examiner	Art Unit	
	AKWASI M. SARPONG	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 October 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/13/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 12-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Fertilsch (20040061890)..

Claim 12, Ferlitsch discloses an image processing system, comprising an image processing apparatus which comprises an adding unit which adds an image processing command to image data, reads image data of an original and converts thus read image data into a file format which is determined from among plural file formats **(Section: 0004 and 0005 thus when the user initiates the print job, the print instruction is added to the print data and together they are spooled or read into the appropriate printer for processing and also when the print options are added they are also added to the print data as well and therefore Ferlitsch clearly discloses an adding unit which adds all these instructions to the print data for further process)** and

an image receiving apparatus which receives from said image processing apparatus the image data converted into the file format thus determined, and when the

image processing command is added to the image data thus received, performs upon thus received image data an image processing which corresponds to the image processing command thus added **(Section 0004 and0005, thus when the print data is spooled to the appropriate printer with the corresponding drivers, the printer with the corresponding driver has to have a receiving unit to receive the print data in order to perform the printing process) ;**

wherein said image processing apparatus comprises:

a storage unit which stores a file format which permits addition of the image processing command to the read image data **(Fig. 1, El 26 shows clearly a mass storage device used for storing data)** and

a judging unit which judges whether the file format thus determined is stored in said storage unit, **(Section 0028, Fig. 2 El. 49, thus the print processor makes the determination of which print job matches the printer with the appropriate driver to be able to make the conversion and therefore makes the judgment)** and

when said judging unit judges that the file format thus determined is stored in said storage unit, addition by said adding unit of the image processing command to the read image data is permitted. **(Section 0013, thus the print processor makes the matching decision as to which print job matches which printer and adds the optional capabilities to the print job and then eventually spooled to the printer).**

Claim 13, Ferlitsch discloses an image processing apparatus which comprises an adding unit which adds an image processing command to image data, reads image

data of an original and converts thus read image data into a file format which is determined from among plural file formats, **(Section: 0004 and 0005 thus when the user initiates the print job, the print instruction is added to the print data and together they are spooled or read into the appropriate printer for processing and also when the print options are added they are also added to the print data as well and therefore Ferlitsch clearly discloses an adding unit which adds all these instructions to the print data for further process)** said image processing apparatus comprising:

a storage unit which stores a file format which permits addition of the image processing command to the read image data **(Fig. 1, El 26 shows clearly a mass storage device used for storing data)** and

a judging unit which judges whether the file format thus determined is stored in said storage unit **(Section 0028, Fig. 2 El. 49, thus the print processor makes the determination of which print job matches the printer with the appropriate driver to be able to make the conversion and therefore makes the judgment)** ,

wherein when said judging unit judges that the file format thus determined is stored in said storage unit, addition by said adding unit of the image processing command to the read image data is permitted. **(Section 0013, thus the print processor makes the matching decision as to which print job matches which printer and adds the optional capabilities to the print job and then eventually spooled to the printer).**

Claim 14, Ferlitsch discloses an image processing apparatus wherein the file format which permits addition of the image processing command to the read image data is PDF (Portable Document Format) **(Section 0064, thus it states clearly that some of the files format available is PDF).**

Claim 15, Ferlitsch discloses an image processing apparatus that further comprising a determining unit which determines, in accordance with a load condition, whether to add the image processing command to the read image data, wherein when said determining unit determines to add the image processing command, said judging unit judges whether the file format thus determined is stored in said storage unit. **(Section 0028, Fig. 2 El. 49, thus the print processor makes the determination of which print job matches the printer with the appropriate driver to be able to make the conversion and therefore makes the judgment)**

Claim 16, Ferlitsch discloses an image processing apparatus that further comprising a sending unit which sends the image data converted into the file format thus determined. **(Section 0004, thus the spooled data is send to the appropriate printer to be converted to the file format (i.e. TIFF or PDF to mention few of them)).**

Claim 17, Ferlitsch discloses an image processing apparatus wherein the file format which permits addition of the image processing command to the read image data

is a file format in which a destination of the image data can execute the image processing command. **(Section 0004, hence the appropriate print device is the destination of the print job and that contains the determined file format which can be either PDF or TIFF)**

Claim18, Ferlitsch discloses an image processing apparatus wherein the file format which permits addition of the image processing command to the read image data is PDF (Portable Document Format). **(Section 0064, thus it states clearly that some of the files format available is PDF).**

Claim 19, Ferlitsch discloses an image processing apparatus that further comprising a determining unit which determines in accordance with a load condition, whether to add the image processing command to the read image data,
wherein when said determining unit determines to add the image processing command, said judging unit judges whether the file format thus determined is stored in said storage unit. **(Section 0028, Fig. 2 El. 49, thus the print processor makes the determination of which print job matches the printer with the appropriate driver to be able to make the conversion and therefore makes the judgment)**

Claim 20, Ferlistsch discloses wherein said sending unit sends an electronic mail to which the image data converted into the file format thus determined is attached. **(Section 0057, thus file format and the print data is transmitted though a text file and therefore the communication are established in a mail form which is send electronically).**

Claim 21, Ferlitsch discloses wherein the file format which permits addition of the image processing command to the read image data is a file format in which a destination of the image data can execute the image processing command. **(Section 0004, hence the appropriate print device is the destination of the print job and that contains the determined file format which can be either PDF or TIFF)**

Claim 22, Ferlitsch discloses wherein the file format which permits addition of the image processing command to the read image data is PDF (Portable Document Format). **(Section 0064, thus it states clearly that some of the files format available is PDF).**

Claim 23, Ferlitsch discloses an image processing apparatus that further comprising a determining unit which determines, in accordance with a load condition, whether to add the image processing command to the read image data,

wherein when said determining unit determines to add the image processing command, said judging unit judges whether the file format thus determined is stored in said storage unit. **(Section 0028, Fig. 2 El. 49, thus the print processor makes the determination of which print job matches the printer with the appropriate driver to be able to make the conversion and therefore makes the judgment)**

Claim 24, Ferlitsch discloses an image processing apparatus which comprises an adding unit which adds an image processing command to image data, reads image data of an original and converts thus read image data into a file format which is determined from among plural file formats, **(Section: 0004 and 0005 thus when the user initiates the print job, the print instruction is added to the print data and together they are spooled or read into the appropriate printer for processing and also when the print options are added they are also added to the print data as well and therefore Ferlitsch clearly discloses an adding unit which adds all these instructions to the print data for further process)** said image processing apparatus comprising:

a storage unit which stores a file format which prohibits addition of the image processing command to the read image data **(Fig. 1, El 26 shows clearly a mass storage device used for storing data)** and

a judging unit which judges whether the file format thus determined is stored in said storage unit, **(Section 0028, Fig. 2 El. 49, thus the print processor makes the determination of which print job matches the printer with the appropriate driver to be able to make the conversion and therefore makes the judgment)**

wherein when said judging unit judges that the file format thus determined is stored in said storage unit, addition by said adding unit of the image processing command to the read image data is prohibited. **(Section 0013, thus the print processor makes the matching decision as to which print job matches which printer and adds the optional capabilities to the print job and then eventually spooled to the printer).**

Claim 25, Ferlitsch discloses wherein the file format which prohibits addition of the image processing command to the read image data is TIFF (Tagged Image File Format). **(Section 0064, thus it states clearly that some of the files format available is TIFF).**

Claim 26, Ferlitsch discloses an imaged processing apparatus, which comprises an adding unit which adds an image processing command to image data and a controller which performs image processing control including control of said adding unit, reads image data of an original and converts thus read image data into a file format which is determined from among plural file formats, **(Section: 0004 and 0005 thus**

when the user initiates the print job, the print instruction is added to the print data and together they are spooled or read into the appropriate printer for processing and also when the print options are added they are also added to the print data as well and therefore Ferlitsch clearly discloses an adding unit which adds all these instructions to the print data for further process) said image processing method comprising steps of:

disposing to said image processing apparatus a storage unit which stores a file format which permits addition of the image processing command to the image data; making said controller judge whether the file format thus determined is stored in said storage unit; **(Fig. 1, El 26 shows clearly a mass storage device used for storing data and the print processor which is within the printing apparatus, hence the software or programs stored in the mass storage is matched by the print processor to find the appropriate print device)** and

making said controller permit addition by said adding unit of the image processing command to the read image data, when it is judged that the file format thus determined is stored in said storage unit. **(Section 0013, thus the print processor makes the matching decision as to which print job matches which printer and adds the optional capabilities to the print job and then eventually spooled to the printer).**

Claim 27, Ferlitsch discloses an image processing method according to which an image processing apparatus, which comprises an adding unit which adds an image processing command to image data and a controller which performs image processing control including control of said adding unit, reads image data of an original and converts thus read image data into a file format which is determined from among plural file formats, **(Section: 0004 and 0005 thus when the user initiates the print job, the print instruction is added to the print data and together they are spooled or read into the appropriate printer for processing and also when the print options are added they are also added to the print data as well and therefore Ferlitsch clearly discloses an adding unit which adds all these instructions to the print data for further process)** said image processing method comprising steps of:

disposing to said image processing apparatus a storage unit which stores a file format which prohibits addition of the image processing command to the image data; making said controller judge whether the file format thus determined is stored in said storage unit; **(Fig. 1, El 26 shows clearly a mass storage device used for storing data and the print processor which is within the printing apparatus, hence the software or programs stored in the mass storage is matched by the print processor to find the appropriate print device)**and

making said controller prohibit addition by said adding unit of the image processing command to the read image data, when it is judged that the file format thus determined is stored in said storage unit. **(Section 0013, thus the print processor makes the matching decision as to which print job matches which printer and**

adds the optional capabilities to the print job and then eventually spooled to the printer).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AKWASI M. SARPONG whose telephone number is (571)270-3438. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/

Supervisory Patent Examiner, Art Unit 2625
AMS
08/02/2008